# Neg- Agonism Aff- TOC – Nirmal

## Strat

### Fw Stuff

#### Cx notes: ask which parts of the FW take out either Kant or Util. whichever one you’re going for

## 1NC- Agon K

#### Agonistic democracy creates in and out groups- those who are the enemy or seen as a source of disagreement are left out of the solution- deradicalizing movements

**Ince** [Ince, Murat. “A Critique of Agonistic Politics” Gazi University. Volume Ten, Number One. International Journal of Zizek Studies. ] NB

The third problem with agonistic politics is related to the identity or status of the agonistic “other”. Agonists have a conception of democracy which reflects a particular synthesis of the notion of Derridian “constitutive outside” and Wittgensteinian “game” leitmotiv. Democracy is a game of which rules are constantly due to change with the interpretations of “different” players/participants and there is no any fixed “constitutive outside” in this game. In this playful democracy conception, it is particularly emphasized that there exists an irresolvable paradox between identity and difference and every description of identity definitely includes a description of other (enemy or adversary) that is to be excluded or negated. This postulation brings to mind the question of who/what the “constitutive outside” of an agonistic democratic order/identity will be. As agonism already postulates a description of identity, it must have a definite excluded or negated “other” as well. It seems that this “agonistic other” is reflected by those who, in the simplest term, reject agonism or those who are in the position of “enemy” or “adversary” in relation to any possible agonistic democracy. Agonists have an ambivalent attitude towards this agonistic other. On one hand, it is asserted that those who do not adopt the rules of the democratic game are already part of the democratic game, on the other hand, it is suggested that those who do not adopt the rules of the game should be excluded from the game as seen in the example of Mouffe arguing that those who question the fundamental institutions of democratic society cannot be regarded as legitimate adversaries (Mouffe 2005:120). The first attitude falls into an ambiguous definition of game by its effort to equate the radicalism emerging out of the non-adoption of agonistic rules of game with any sort of agonistic form or activity (like disagreement, struggle or challenge) within the rules of the game. The most significant drawback with this sort of understanding which is to, by itself, undermine the conception of game is that it reduces the (antagonistic) radicalism emerging in the challenge of the rules into routine and common manifestations of agon.11 Even worse, this understanding may well function as a highly effective instrument in the legitimization of a neo-liberal democratic order where all of the manifestations of radicalism are purely eliminated. The second attitude suggesting that those who do not adopt the rules of the game should be excluded from the game is certainly more consistent in itself when compared to first one. However this attitude also drives its supporters to another theoretical stalemate. If, just like in any game, those who do not adopt the rules of the game are to be excluded from the game, calling this game as agonistic democracy or not will not make much sense. However, the non-existence of any fixed “constitutive outside” is one of the most important aspects to define the agonism.

#### Agonistic democracy isn’t radical- it begins with liberal democracy and is complacent with existing power structures

**Smolenski 12** [Smolenski, Jan Graudate student, Central European University “Beyond Liberal Democracy? A Critical Assessment of Political Theories of Chantal Mouffe and Slavoj Zizek.” 2012.] NB

Mouffe's prescriptive theory aims at deepening liberal democracy by radicalization of the principles of freedom and equality. In the radical and plural democracy pluralism is considered an axiological principle and institutions serve not to repress the political conflict but to domesticate its destructive potential by transforming it into agonistic struggle of legitimate adversaries. Mouffe argues that Walzer's complex equality is the conception of equality that is committed to egalitarianism without sacrificing pluralism and thus fits her idea of radical and plural democracy. However, her conception suffers from undertheorization. The “radicalization of the principles of freedom and equality” does not receive substantial meaning; neither does she provides radical democratic interpretation of these principles. Ultimately, the project of “radical and plural democracy” remains undertheorized and functions in fact more as a regulative idea, towards which we should strive but is unattainable. In fact, what Mouffe proposes under the label of radical plural democracy is not as distant from liberal democratic theories as one could expect after reading her critique of liberal democratic theories. Her insistence on conflict and pluralism does not depart far from liberal democratic theories of Dworkin and Christiano. Both of them insist that conflict – or what they call disagreement – is the background for liberal democracy as they envision it and the very content of liberal democratic politics. Mouffe claims that pluralism amounts to the axiological principle of liberal democracy in its radical democratic reading; however, neither in Dworkin nor in Christiano is pluralism a mere fact. Rather it is a condition which enables the people to make informed decisions concerning preferred policies (Dworkin) and is a simple consequence of a moral duty of paying equal respect to everybody's opinion (participatory goals of Dworkin and interests in publicity of Christiano). Her most radical claim concerning democratization of subsequent spheres of social life goes beyond what Dworkin and Christiano prescribe; however her insistence on the importance on liberal aspect of liberal democracy (rule of law, liberal individual rights, etc) seriously limit the scope of this democratization. In other words, Mouffe's language of critique is more radical that her actual prescriptions.

#### Reps change our perception of ethics- that turns the case

**Crawford 2** [Neta Crawford, PhD MA MIT, BA Brown, Prof. of poli sci at Boston University, “Argument and Change in World Politics”, p. 19-21]

Coherent arguments are unlikely to take place unless and until actors, at least on some level, agree on what they are arguing about. The at least temporary resolution of meta-arguments regarding the nature of the good (the content of prescriptive norms); what is out there, the way we know the world, how we decide between competing beliefs (ontology and epistemology); and the nature of the situation at hand (the proper frame or representation) must occur before specific arguments that could lead to decision and action may take place. Meta-arguments over epistemology and ontology, relatively rare, occur in instances where there is a fundamental clash between belief systems and not simply a debate within a belief system. Such arguments over the nature of the world and how we come to know it are particularly rare in politics though they are more frequent in religion and science. Meta-arguments over the “good” are contests over what it is good and right to do, and even how we know the good and the right. They are about the nature of the good, specifically, defining the qualities of “good” so that we know good when we see it and do it. Ethical arguments are about how to do good in a particular situation. More common are meta-arguments over representations or frames about how we out to understand a particular situation. Sometimes actors agree on how they see a situation. More often there are different possible interpretations. Thomas Homer-Dixon and Roger Karapin suggest, “Argument and debate occur when people try to gain acceptance for their interpretation of the world”. For example, “is the war defensive or aggressive?”. Defining and controlling representations and images, or the frame, affects whether one thinks there is an issue at stake and whether a particular argument applies to the case. An actor fighting a defensive war is within international law; an aggressor may legitimately be subject to sanctions. Framing and reframing involve mimesis or putting forward representations of what is going on. In mimetic meta-arguments, actors who are struggling to characterize or frame the situation accomplish their ends by drawing vivid pictures of the “reality” through exaggeration, analogy, or differentiation. Representations of a situation do not re-produce accurately so much as they creatively represent situations in a way that makes sense. “mimesis is a metaphoric or ‘iconic argumentation of the real.’ Imitating not the effectivity of events but their logical structure and meaning.” Certain features are emphasized and others de-emphasized or completely ignored as their situation is recharacterized or reframed. Representation thus becomes a “constraint on reasoning in that it limits understanding to a specific organization of conceptual knowledge.” The dominant representation delimits which arguments will be considered legitimate, framing how actors see possibilities. As Roxanne Doty argues, “the possibility of practices presupposes the ability of an agent to imagine certain courses of action. Certain background meanings, kinds of social actors and relationships, must already be in place.” If, as Donald Sylvan and Stuart Thorson argue, “politics involves the selective privileging of representations, “it may not matter whether one representation or another is true or not. Emphasizing whether frames articulate accurate or inaccurate perceptions misses the rhetorical import of representationhow frames affect what is seen or not seen, and subsequent choices. Meta-arguments over representation are thus crucial elements of political argument because an actor’s arguments about what to do will be more persuasive if their characterization or framing of the situation holds sway. But, as Rodger Payne suggests, “No frame is an omnipotent persuasive tool that can be decisively wielded by norm entrepreneurs without serious political wrangling.” Hence framing is a meta-argument.

## 1NC- Kant

### 1NC- Kant- TL- [:25]

#### To negate means “to deny the truth of” which implies A. you presume neg since negating has no positive connotation and permissibility or skep negates by denying the truth of a moral obligation, B. truth testing paradigm is the only textual C. resolved means “firmly determined to do something” so in absence of obligation- the aff has failed their burden

#### Negate if I win a counterinterp to 1AR theory:

#### A. Even if RVI’s are false in general, they’re necessary here since I don’t have the ability to generate similar new layers in the 2N

#### B. Deterrence- since the 2AR can collapse onto 1AR theory and make new extrapolations, the neg always needs to overcover, skews time

#### At worst, these are additional reasons to structurally presume neg

### 1NC- Kant- FW

#### The value is morality

#### Moral realism fails- prefer constructivism, we must derive truths from reflection and see humanity as an end in of itself

**Bagnoli 14** [Bagnoli, Carla, "Constructivism in Metaethics", The Stanford Encyclopedia of Philosophy (Winter 2014 Edition), Edward N. Zalta (ed.), forthcoming URL = <http://plato.stanford.edu/archives/win2014/entries/constructivism-metaethics/>.]

Among contemporary philosophers, Christine Korsgaard has developed the most ambitious, and controversial, version of Kantian constructivism. She defines Kantian constructivism as a form of “procedural realism”—the view that “there are answers to moral questions because there are correct procedures for arriving at them”; and she contrasts procedural realism with “substantive realism”—the view that “there are correct procedures for answering moral questions because there are moral truths or facts, which exist independently of those procedures, and which those procedures track” (Korsgaard 1996a, 36–37; see also Engstrom 2009, 119). Substantive realism holds that there are objective criteria of correctness for moral judgments only if such judgments represent matters of fact about the way the world is. By contrast, the constructivist view is that there are objective criteria of moral judgment insofar as there are objective criteria about how to reason on practical matters. There are objective reasons that prohibit deceiving and manipulating others, but such reasons are the result of practical reasoning, rather than discovered by empirical investigation, grasped by the intellect, or revealed by some god. What makes this view “Kantian” is that there is ultimately one criterion for reasoning on practical matters, which is the Categorical Imperative. By reasoning according to this criterion, we objectively ground moral obligation. This is to say, moral obligations are requirements of practical reason. Korsgaard's case for constructivism parallels Kant's as Rawls reconstructs it. It starts by objecting that substantive **realism** fails to respond to the skeptical challenge because it simply **assumes the existence of objective standards** for morality without offering a rational basis for them. As a consequence, the realist also **fails to account for the authority of moral obligations—**for why we really ought to do as morality says. (Korsgaard 1996a; Korsgaard 2008, 234, 30–31, 55–57, 67–68). Realists are misled by the presumption that, in order to fend off skepticism, one has to anchor practical reasons in facts that are in themselves normative. But **no appeal to** such **“normative facts” can explain how they count as reasons and motivate** rational agents. **Suppose we agree** that **it is a** normative **fact** that **deception is** morally **wrong.** How does **awareness of this** fact rationally **compel us to refrain** from deceiving? This is not only a psychological question about the force that such a fact might exercise on our minds, but also, and most importantly, a normative question that concerns their authority. According to Korsgaard, “the normative question” arises for **humans** insofar as they are capable of **reflect**ing **on** themselves and considering **their thoughts and desires** from a detached perspective. **This** reflective distance **allows** rational **agents to call into question the legitimacy of** particular **thoughts** and desires and to suspend their pull. Because they are reflective, rational agents have ideals about the sort of persons they want to be, and they can guide their minds and actions accordingly. That is, **they are capable of self-governance.** Like Kant, Korsgaard thinks that the appropriate form of self-governance is self-legislation (Korsgaard 1996a, 36, 91, 231–232; Korsgaard 2008, 3). According to Korsgaard, rational agents are guided by universal principles that they have legislated. The appeal to self-legislation does not make the moral law coincide with the arbitrary decisions of particular agents. The moral law is a principle of reasoning that binds all rational agents, not a decree of any one rational agent (Korsgaard 1996a, 36, 234–236; Korsgaard 2008, 207–229; Reath 2006, 112–113, 92–170). The constructivist claim is that the **moral law obliges** us **only** insofar **as** it is **self-legislated**. This is not to say that one is bound by requirements because one legislates them; otherwise, evil people would not be bound by the moral law (Korsgaard 1996a, 234–235; O'Neill 2003c; Reath 2006, 112–113, 92–170; Korsgaard 2008, 207–229). Rather, one can autonomously act on such requirements only if one legislates them. This is because **universal principles guarantee** that **action is expressive of an agent**'s integrity, **rather than merely** in the service of **satisfying preferences** or desires. Like Plato and Kant, Korsgaard argues that some kind of integrity is necessary to be an agent and cannot be achieved without a commitment to morality, which is founded on reason (Korsgaard 2009, xii, Chapter 3; cf. Plato Republic 443d-e). A canonical objection against the attempt to ground morality on rationality is that it fails to account for the special bonds and ties we have with our loved ones and thus fails to capture the nature of integrity and morality (Williams 1981). To address these worries, Korsgaard introduces the notion of “practical identities”, which specify roles as sources of special obligations. For instance, Adam values himself and finds his life worth living and his actions worth undertaking under the description of being a teacher of music, an American citizen, and Robert's friend (Korsgaard 1996a, 101, §3.3.1; Korsgaard 2009, 20). These **practical identities** govern Adam's choices, **sustain** his **integrity**, **and are sources of specific obligations** to his pupils, fellows, and friends (Korsgaard 1996a, §3.3.1; Korsgaard 2009, 22). However, we do not have obligations just because we occupy certain roles as teachers, citizens, or friends. Rather, such **roles become practical identities,** and sources of reasons, insofar as we rationally endorse them. **Rational endorsement**, in turn, **requires** that **we** **test** our loyalties and **allegiances according** to the principle of **universality**, which commits us to morality. **In order to value ourselves** under these specific descriptions, **we ought to value humanity** in ourselves and in others (Korsgaard 2008, Lecture 6, 25–26). Korsgaard offers what is called a ‘transcendental argument’ for this conclusion. A transcendental argument is an argument that identifies the conditions under which it is possible for something to be the case. Korsgaard argues that valuing humanity, understood as the capacity for rationality, is the condition of the possibility of valuing anything at all (Korsgaard 1996a, 121–123; Korsgaard 1998, 60–62; Korsgaard 2009). Evaluators bestow value on objects on the basis of reasons, and thus in virtue of their rational capacity. **The value of any object** thus ultimately **depends on the rational** capacity of evaluators. **valuing ‘Humanity’** is the name of a distinctive value, which is unconditional and **counts as the condition of** the possibility of **valuing anything** at all. Since humanity is embodied in all rational beings, we should value humanity in ourselves as well as in others, on pain of incoherence.Special **obligations** and bonds that derive from local identities are insufficient to sustain our integrity when they are inconsistent with valuing humanity. For instance, the conduct of a Mafioso **cannot be** coherently **justified on** the basis of **a** universal **principle.** The Mafioso thus fails as a rational agent and leads a life that is not autonomous, **since** his **life is** notthe product of **reflective self-government.** A systematic failure to be guided by universal principles of self-government amounts to a loss of agency. We cannot but be agents, and thus we are necessarily bound by the norms of rationality and morality. Korsgaard's strategy depends on establishing that the norms of rationality and morality can be derived from the constitutive features of agency and that agency is inescapable. Both these claims have been attacked on grounds that will be discussed in section §

#### This outweighs:

#### A. Arbitrary moral facts terminate in nonmoral reasons which are open to subjective interpretations

#### B. Self reflexitivity allows us to call other metaethics into question and always ask why?

#### C. Causal forces determine subjective value because we are predisposed to certain experiences - so they can’t ground objective ethics.

#### And, Freedom is a priori

#### A. Internal link to all ethics- every ethic requires an agent’s capability to select their principle of acton

#### B. Culpability- agents must be free in order to assort blame and responsibility to fulfill obligations

#### C. Resolvability- otherwise its impossible for the judge to make a decision because they can’t be free to vote for the better debater

#### And, freedom requires universal independence

**Korsgaard 96** [Christine Korsgaard. “The Sources of Normativity.” Lecture 3. The Tanner Lectures on Human Values. 1996. Gender modified. http://tannerlectures.utah.edu/\_documents/a-to-z/k/korsgaard94.pdf]

Kant defines a free will as a rational causality that is effective without being determined by any alien cause. Anything outside of the will counts as an alien cause, including the desires and inclinations of the person. The free will must be entirely self determining. Yet, because the will is a causality, it must act according to some law or other. Kant says, “Since the concept of a causality entails that of laws . . . it follows that freedom is by no means lawless . . .” 2 Alternatively, we may say that since the will is practical reason, it cannot be conceived as acting and choosing for no reason. Since reasons are derived from principles, the free will must have a principle. But because the will is free, no law or principle can be imposed on it from outside. Kant concludes that the will must be autonomous: that is, it must have its own law or principle. And here again we arrive at the problem. For where is this law to come from? If it is imposed on the will from outside then the will is not free. So the will must adopt the law for itself. But until the will has a law or principle, there is nothing from which it can derive a reason. So how can it have any reason for adopting one law rather than another ? Well, here is Kant’s answer. The Categorical imperative tells us to act only on a maxim that we could will to be a law. And this, according to Kant, is the law of a free will. To see why, we need only compare the problem faced by the free will with the content of the Categorical imperative. The problem faced by the free will is this: the will must have a law, but because the will is free, it must be its own law. And nothing determines what that law must be. All that it has to be is a law. Now consider the content of the Categorical imperative. The Categorical imperative simply tells us to choose a law. Its only constraint on our choice is that it have the form of a law. And nothing determines what that law must be. All that it has to be is a law. Therefore the categorical imperative is the law of a free will. It does not impose any external constraint on the free will’s activities, but simply arises from the nature of the will. It describes what a free will must do in order to be what it is. It must choose a maxim it can regard as a law.3 Now I’m going to make a distinction that Kant doesn’t make. I am going to call the law of acting only on maxims you can will to be laws “the Categorical imperative.” And I am going to distinguish it from what I will call “the moral law.” The moral law, in the Kantian system, is the law of what Kant calls the Kingdom of Ends, the republic of all rational beings. The moral law tells us to act only on maxims that all rational beings could agree to act on together in a workable cooperative system. Now the Kantian argument that I have just described establishes that the categorical imperative is the law of a free will. But it does not establish that the moral law is the law of a free will. Any law is universal, but the argument doesn’t settle the question of the domain over which the law of the free will must range. And there are various possibilities here. If the law is the law of acting on the desire of the moment, then the agent will treat each desire as it arises as a reason, and her conduct will be that of a wanton. 4 If the law ranges over the interests of an agent’s whole life, then the agent will be some sort of egoist. It is only if the law ranges over every rational being that the resulting law will be the moral law, the law of the Kingdom of Ends. Because of this, it has sometimes been claimed that the categorical imperative is an empty formalism. And this in turn has been conflated with another claim, that the moral law is an empty formalism. Now that second claim is false.5 But it is true that the argument that shows that we are bound by the categorical imperative does not show that we are bound by the moral law. For that we need another step. The agent must think of herself as a Citizen of the Kingdom of Ends. Those who think that the human mind is internally luminous and transparent to itself think that the term “self - consciousness” is appropriate because what we get in human consciousness is a direct encounter with the self. Those who think that the human mind has a reflective structure use the term too, but for a different rea - son. The reflective structure of the mind[‘s] is a source of “self-consciousness” because it forces us to have a conception æ that is you, and that chooses which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of yourself. To identify with such a principle or law is to be, in St. Paul’s famous phrase, a law to yourself. An agent might think of herself as a Citizen in the Kingdom of Ends. Or she might think of herself as a member of a family or an ethnic group or a nation. She might think of herself as the steward of her own interests, and then she will be an egoist. Or she might think of herself as the slave of her passions, and then she will be a wanton. And how she thinks of herself will determine whether it is the law of the Kingdom of Ends, or the law of some smaller group, or the law of the egoist, or the law of the wanton that is the law that she is to herself. The conception of one’s identity in question here is not a theo - retical one, a view about what as a matter of inescapable scientific fact you are. It is better understood as a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking. So I will call this a conception of your practical identity. Practical identity is a complex matter and for the average person there will be a jumble of such conceptions. You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, someone’s friend, and so on. And all of these identities give rise to reasons and obligations. Your reasons express your identity, your nature ; your obligations spring from what that iden - tity forbids. Our ordinary ways of talking about obligation reflect this con - nection to identity. A century ago a European could admonish another to civilized behavior by telling him to act like a Christian. It is still true in many quarters that courage is urged on males by the injunction “Be a man!” Duties more obviously connected with social roles are of course enforced in this way. “A psychiatrist doesn’t violate the confidence of her patients.” No “ought” is needed here because the normativity is built right into the role. But it isn’t only in the case of social roles that the idea of obliga - tion invokes the conception of practical identity. Consider the astonishing but familiar “I couldn’t live with myself if I did that.” Clearly there are two selves here, me and the one I must live with and so must not fail. Or consider the protest against obligation ignored : “Just who do you think you are ?” The connection is also present in the concept of integrity. Etymologically, integrity is oneness, integration is what makes something one. To be a thing, one thing, a unity, an entity; to be anything at all: in the metaphysical sense, that is what it means to have integrity. But we use the term for someone who lives up to his own standards. And that is because we think that living up to them is what makes him one, and so what makes him a person at all. It is the conceptions of ourselves that are most important to us that give[s] rise to unconditional obligations. For to violate them is to lose your integrity and so your identity, and no longer to be who you are. That is, it is no longer to be able to think of yourself under the description under which you value yourself and find your life worth living and your actions worth undertaking. That is to be for all practical purposes dead or worse than dead. When an action cannot be performed without loss of some fundamental part of one’s identity, and an agent would rather be dead, then the obligation not to do it is unconditional and complete. If reasons arise from reflective endorsement, then obligation arises from re - flective rejection.

#### Outweighs:

#### A. Omissions don’t matter because the agent didn’t cause the event- willing contradictory ends result in failure to act

#### B. Reject absolute freedom because we are rational agents who live in a spatiotepomra universe and the possibility of universal harm is bad

#### C. No protection on freedom is assured- only the omnilateral will has everyone’s consent and can protect a total state of freedom

#### Thus, the standard is preserving equal outer freedom through universal maxims

### 1NC- Kant- Contention- Short [1:00]

#### That negates

#### 1. Hate speech

#### Hate speech is constitutionally protected

**Moore 16** [Social Studies Research and Practice www.socstrp.org Volume 11 Number 1 112 Spring 2016 You Cannot Say That in American Schools: Attacks on the First Amendment James R. Moore Cleveland State University]

**The first amendment**, a crucial component of American constitutional law, **is under attack from** various **groups** **advocating for censorship in universities** and public schools. The censors assert that restrictive speech codes preventing anyone from engaging in any expression deemed hateful, offensive, defamatory, insulting, or critical of sacred religious or political beliefs and values are necessary in a multicultural society. These speech codes restrict critical comments about race, religion, gender, sexual orientation, physical characteristics, and other traits in the name of tolerance, sensitivity, and respect. Many **hate speech codes are a violation of the first amendment** **and have been struck down** **by** federal and state **courts**. **They persist** in jurisdictions where they have been ruled unconstitutional; **most** universities and **public schools have speech** **codes**. This assault on the first amendment might be a concern to all citizens, especially university professors and social studies educators responsible for teaching students about the democratic ideals enshrined in our constitution. Teachers should resist unconstitutional speech codes and teach their students that the purpose of the first amendment is to protect radical, offensive, critical, and controversial speech. The first amendment in the Bill of Rights, the foundation of individual freedom in the United States, protecting the freedoms of religion, speech, press, assembly, and petition. These basic freedoms, derived from Enlightenment philosophy and codified in the world’s oldest written constitution, have been an essential characteristic of American democracy and law since 1791. This is continuity considering “between 1971 and 1990, 110 of the world’s 162 national constitutions were either written or extensively rewritten” (Haynes, Chaltain, Ferguson, Hudson, & Thomas, 2003, p. 9). The first amendment has been the conduit employed by U.S. citizens to create an increasingly free and just society based on the constitutional ideals of equality before the law, popular sovereignty, limited government, checks and balances, federalism, and individual liberties (Center for Civic Education, 2009). Advocates for the abolition of slavery and the expansion of civil rights were able, after long struggles, to achieve their goals of expanding freedom and social justice by using their natural rights to free expression and religious liberty (Dye, 2011). Since no constitutional liberty or right is absolute, American institutions continuously debate the definitions, limitations, and exceptions to these fundamental rights based on social, political, and technological changes. This task has been exacerbated by increasing cultural diversity and technological changes (the Internet and social media) that expand communication. In addition, efforts by some people to censor language in the name of tolerance and respect for diversity have increased in recent years (Foundation for Individual Rights in Education, 2013, p.4). The first amendment is the world’s oldest written safeguard for freedom of expression—this includes allowing blasphemy and expression that may be radical, offensive, controversial, ignorant, and militantly bigoted—and is the cornerstone of participatory democracy (Haynes et al., 2003). The first amendment is under constant attack from some religious organizations, political action groups, ethnically-based activist groups, and, most alarmingly, from American public universities that severely restrict freedom of expression and public debate (Foundation for Individual Rights in Education, 2013; Haynes, 2013; Hudson, 2011). The Foundation for Individual Rights in Education (2013) found “**62% of universities** (254 out of 409 universities in the survey) **maintain** severely **restrictive** **red-light speech codes** – **policies that** clearly and **substantially prohibit protected speech**” (p. 4). Many Americans do not understand, or do not accept, that the first amendment protects unpopular, offensive, controversial, and radical speech; this includes making hateful statements about race, gender, religion, and any other topic the speaker wishes to address (Haynes et al., 2003; Marshall & Shea, 2011; Pew Forum on Religion and Public Life, 2010). Many hate **speech codes**, thus, often are defined “as hostile or prejudicial attitudes expressed toward another person’s or group’s characteristics, notably sex, race, ethnicity, religion, or sexual orientation” (Dye 2011, p. 508). The hate speech instituted in American universities and Kindergarten-12 schools **are** often, albeit well-intended, **violations of the First Amendment** (Foundation for Individual Rights in Education; Haynes, 2013; *Saxe V. State College Area School District*, 2001).

#### Hate speech requires regulation and isn’t universalizable- that extends inclusion of exclusion which is contradictory

**Varden 10**: ~Helga Varden, Associate Professor of Philosophy and Associate Professor of Gender and Women's Studies @ U of Illinois, 5-22-2010, Academia.edu, <https://www.academia.edu/2006079/A_Kantian_Conception_of_Free_Speech~~>. NB

On the Kantian view I have been developing, hate speech and speech amounting to harassment are not outlawed because they track private wrongdoing as such, but rather because they track the state’s historical and current16 inability to provide some group(s) of citizens with rightful conditions of interaction. This type of public law tries to remedy the fact that some citizens have been and still are ‘more equal than others’. Hence, if the state finds that it is still unable successfully to provide conditions under which protection and empowerment of its historically oppressed, and thus vulnerable, are secured, then it is within its rightful powers to legally regu- late speech and harassment to improve its ability to do so. By putting its weight behind historically oppressed and vulnerable citizens, the state seeks to overcome the problems caused by its lack of recognition in the past and its current failure to provide conditions in which its citizens interact with respect for one as free and equal. Therefore, whether or not any instance of speech actually achieves insult is inconsequential, for that is not the justification for the state’s right to outlaw it. Rather, laws regulating speech and harassment track the state’s systemic inability to provide rightful interaction for all of its citizens. Note that this argument does not, nor must it, determine which particular usages of hate speech and speech amounting to harassment should be banned. It only explains why certain kinds and circumstances of speech and harassment can and should be outlawed and why public law, rather than private law, is the proper means for doing so. Determining which types and how it should be banned is matter for public debate and reflection followed by public regulation on behalf of all citizens.

#### 2. Seditious Speech

#### It amounts to ending the omnilateral will- which makes freedom impossible

**Varden 10**: ~Helga Varden, Associate Professor of Philosophy and Associate Professor of Gender and Women's Studies @ U of Illinois, 5-22-2010, Academia.edu, <https://www.academia.edu/2006079/A_Kantian_Conception_of_Free_Speech~~>. RW

To understand Kant’s condemnation of seditious speech, remember that Kant, as mentioned above, takes himself to have shown that justice is impossible in the state of nature or that there is no natural executive right. Since Kant considers himself to have successfully refuted any defense of the natural executive right, he takes himself also to have shown that no one has the right to stay in the state of nature. This, in turn, explains why Kant can and does consider seditious speech a public crime. The intention behind seditious speech is not merely to criticize the government or to discuss theories of government critically, say. In order to qualify as seditious, the speaker’s intention must be to encourage and support efforts to subvert the government or to instigate its violent overthrow, namely revolution. To have such a right would be to have the right to destroy the state. Since the state is the means through which right is possible, such a right would involve having the right to annihilate right (6: 320). That is, since right is impossible in the state of nature, to have a right to subversion would be to have the right to replace right with might. Since the state is the only means through which right can replace might, the state outlaws it. And since it is a crime that “endanger[s] the commonwealth” rather than citizens qua private citizens, it is a public crime.

#### Seditious speech is constitutionally protected.

**Justia no date**: ~Justia, "Seditious Speech and Seditious Libel", <http://law.justia.com/constitution/us/amendment-01/41-seditious-speech.html~~> . RW

Seditious Speech and Seditious Libel.—Opposition to government through speech alone has been subject to punishment throughout much of history under laws proscribing “seditious” utterances. In this country, the Sedition Act of 1798 made criminal, inter alia, malicious writings which defamed, brought into contempt or disrepute, or excited the hatred of the people against the Government, the President, or the Congress, or which stirred people to sedition.966 In New York Times Co. v. Sullivan,967 the Court surveyed the controversy surrounding the enactment and enforcement of the Sedition Act and concluded that debate “first crystallized a national awareness of the central meaning of the First Amendment.... Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history .... [That history] reflect[s] a broad consensus that the Act, because of the restraint it imposed upon criticism of government and public officials, was inconsistent with the First Amendment.” The “central meaning” discerned by the Court, quoting Madison’s comment that in a republican government “the censorial power is in the people over the Government, and not in the Government over the people,” is that “[t]he right of free public discussion of the stewardship of public officials was thus, in Madison’s view, a fundamental principle of the American form of government.”

#### 3. Restrictions constitute free speech- otherwise you can't understand speech because there's no bounds to set it's meanings.

#### 4. Free speech violates the contract of the university- if you don't agree with the priniples you can leave campus and get educated elsewhere. Breaking contracts isn't universalizable because that entails breaking promises which is a contradiction in will

## Case

### FW- Top Level

#### 1. Morality is a question of what to do- that choice doesn’t exist unless we’re free- proves that their framework doesn’t go far enough because it doesn’t delinate that agents should do action X

#### 2. We preclude- we need to be free in order to reason and rationalize in terms of being able to make chiocies as individual choices

#### 3. Only a priori truth is incontestable and is not influenced by societal pressures, that means that it’s an objective guide to morality, agonism 300 years ago would’ve concluded that slavery is good because agents thought that it was, while the NC resolves intuitive counterexamples

#### 4. Arguments are only extrinsicailly valuable in that they find truth regarding which policy would maintain equal freedom, not valuable in and itself, we should use a method of agonism to determine what is best under Kant which proves that the aff’s framework collapses to the NC

#### 5. This framework collapses into consequentialism if anything- a society that attempts to decrease the total amount of violence within a framework is one that desires to concern itself with the state of affairs

#### 6. Mouffe’s notion of antagonism is vague and it can never turn into agonism

**Erman 09** [Erman, Eva. “ What is wrong with agonistic pluralism?- Reflections on conflict in democratic theory”Philosophy and Social Criticissm Vol 35. No 9. Pp.1039-1062. 2009.] NB

But Mouffe clearly does not want to make a semantic and concep- tual point. Without doubt antagonism is supposed to do some norma- tive work. For Mouffe, antagonism is not difference per se, but concrete difference between us and them or me and the Other as real persons, as enemies. And this has political implications.34 On the one hand, Mouffe does not want to relativize difference by reducing it to a purely descrip- tive notion.35 On the other, although antagonistic relations are not simply ‘there’ but construed in the meeting between subjects, she insists that antagonism is solely about ontology, i.e. before ‘the ought’.36 Conse- quently, antagonism is ascribed a dual role. The problem is that this duality hides the fact that, while difference is descriptive, antagonism is normative.37 One reason why this is difficult to detect in Mouffe’s writing is that she often slides from using difference in the abstract and descriptive sense, to a normative use of difference as conflict/antagon- ism. On the very same pages where she argues that unity presupposes difference and that a complete reabsorption of alterity into oneness is impossible, she draws the conclusion that the aim of democracy should be to bring the excluded to the fore ‘so that they can enter the terrain of contestation’.38 This dual role thereby confuses particularity (which is implied by difference in general) with individuality (a difference such as antagonism) and neglects Hegel’s insight that the latter requires specific attitudes among the subjects involved.39 It is argued here that conflict cannot be adequately understood within an agonistic framework. Mouffe’s notion of antagonism fails because it does not embrace the idea that deliberation is constitutive of conflict. This has two implications: on the one hand, the notion of antagonism becomes untenable, and on the other, it becomes impossible to explain how antagonism can transform into agonism. Let us start with the first problem. While Knops argues that agonists take no notice of the fact that discussants (adversaries) become aware of difference in discourse,40 I wish to take the argument one step further and claim that ‘becoming aware’ presupposes that a conflict is there to be aware of. But which conflict could this be? An immanent feature of conflict is that it presupposes an element of ‘X against Y’, e.g. someone against someone else if the conflict is interpersonal. That is, although concrete differences are supposed to be expressed and confronted on Mouffe’s political arena, two adversaries cannot conceive of their differences as incommensurable or ineradicable and still compare (and thus confront) them. Neither could they draw the conclusion that they are ineradicable without comparing them. Any comparison must start out from common presumptions. Some kind of consensus is thus needed to even understand this ‘against’. For as soon as the two adversaries interact, they immediately presuppose a naïve realism and thus take for granted that they speak about one and the same world.41 As emphasized by Habermas, the moment they stop taking this for granted their communication would lead to complete breakdown.42

#### 7. Their framework presupposes an empirical understanding of the world- otherwise conflict couldn’t exist without any deliberation- their fw is the wrong solution to a problem

**Erman 09** [Erman, Eva. “ What is wrong with agonistic pluralism?- Reflections on conflict in democratic theory”Philosophy and Social Criticissm Vol 35. No 9. Pp.1039-1062. 2009.] NB

What is suggested here is thus that there could be no conflict without deliberation, i.e. without speech-acts oriented performatively towards validity-claims. Conflict is dependent on some shared idea of what is at stake. A possible objection to this view of conflict is that the presupposed common understanding of what is at stake at the most contributes a minimally shared empirical background knowledge of the situation, not a minimally shared normative consensus. But here we must ask: how could the parties involved conceive of the situation as conflictual solely on the basis of empirical knowledge about the outside world? Indeed, they must also value several aspects of it in specific ways for the conflict to emerge. In fact, as persuasively argued by Quine, settling one’s mean- ings is a process that cannot be separated from settling one’s beliefs.45 So even if people are likely to disagree (and in a conflict they most certainly will) on which value is the most important and which reason should be decisive for who is right and who is wrong, by sharing a normative understanding of a conflictual situation as conflictual, they have already entered into the Sellarsian ‘space of reasons’.46 This is a normative space which cannot be reduced to an empirical description of causal relations. Agents are not solely caused to act by their strongest desire in a Humean sense. Rather, they ‘take up’ a desire (or some other pro-attitude) as a reason for action. And this endorsement of motiva- tion requires a capacity for (self-)reflection through which their desires are coupled together with some conception they have of themselves. Moreover, the space of reasons is a social space, since this capacity for reflectivity takes place in a social setting – reasons are essentially public. As emphasized by Kenneth Baynes, the normativity of reasons is depen- dent on the attitudes of mutual expectation that agents who ascribe one another the capacity to take a yes/no stand on validity-claims raise in their speech-acts.47 To claim that A acts for a reason is to claim that A is responsible or accountable for the action under (at least) that descrip- tion. And to claim that A is accountable is to claim that she is held to be accountable by others.48 To act for a reason is to act under a norm, and norms are created in intersubjectivity, between subjects.49 Against Mouffe, it is argued that the reason why antagonists must share a sym- bolic space in order to become antagonists is that both the empirical and normative parts of the conflict emerge in it.

### AT: Hagglund- Ethics Are Violent

#### 1. Indeterminate- they don't specify what it means for an action or an ethic to result in violence, is it concerned with empirical goods or is it concerned with the structure of an action

#### 2. No link- ethics aren't intrinsically violent- their idea that ethics exclude others is not relevant because ethics should be concerned with individuals capability to not be interfered when they pursue ends and

#### 3. Their description is simply how ethics being used by people has been missapplied in the status quo but thats an overarching claim which can't be applied to particular theories

#### 4. Their notion of violence is based on an interpretation of the world that fails- A. it's subjective- different agents respond differently to different analytics which meant that it changes consistnetly, B. different agents are subject to the causal nature of forces which hurts their capability to self-determine how to decrease violence because they've been unnecessarily coerced

### AT: Hagglund- Ideal Theory Self Defeating

#### 1. ideal theory prereq for understanding how the instituionts you claim to be good can work out strategies for lesser violence

#### 2. means consequentialism turns the aff

#### 3. ideal theory provides a better starting point to be able to criticize injustices, we must have a proper mindset before racing to optoins

### AT: Mouffe

#### 1. Not objective- pluralism allows societies to make different rules determining different things, there is no way to have a coherent guide to morality through that.

#### 2. Not normative- it doesn't make a claim in terms of how agents should actually go about adhering to different situations

#### 3. Fallacy of Origin- just because an argument produces value doesn't make it valuable in of itself,

#### 4. NC Hijacks this- we should have a proper discussion of how to identify different kantian violations within the status quo

#### 5. Agonism is a violent principle- it can't resolve conflicting decisions after agents have deliberated and never has a final principle which makes it impossible to weigh conflicting rights claims

### AT: FW Deduces nature of political community

#### 1. nc coopts- communities reason through agents

### AT: Agonism allows demands for justice

#### 1. nc hijacks- it's a clear way of determining justice

#### 2. all answers above answer this arg- bcause it shows that agonism is an incorrect method

### AT: Rules Cannot Determine their own application

#### 1. nc solves this- it doesn't rely on an empirical understanding of the world which is what their mathematical example is based on

#### 2. moral law is distinct from how we can label different interpretations- it's not something you can question or reject

#### 3. Can't be applied to theory- there are certain rules that we automatically think of within debate proper i.e. speech times, which proves that it's empirically denied

#### 4. self defeating- if we could always question different rules then it'd be impossible to set up different argumets and would cause infinite regression

### AT: No Ethical Deduction

#### Presumes your winning fw

### AT: Diversity of Interps

#### 1. It doesn’t go far enough- recognizing different interpretations of great, but that doesn’t matter if people don’t get to act on it

#### 2. Deosn’t mean that we can’t privilege certain norms over others

### AT: SSD

#### 1. No link- this literally has no implication under switch side debate

#### 2. No impact- everything we do in debate requires recognizing alternate views

#### 3. Turn- agonism doesn’t teach debaters to prefer views over another, they just say we should recognize them which is bad for critical thinking

### \*\*Impact Calc\*\*

#### Policy consequences are relevant because the framework begs for an action that has to be done in a political community, only judging that action can relate it to each individuals interpretation

#### What are the implications of the other 2?

### \*\*Contention\*\*

### Contention- Hate Speech DA

#### Protections against hate speech work now- harassment decreases on campuses as a result as a result.

Sutton 16 Halley Sutton, Report shows crime on campus down across the country, Campus Security Report 13.4 (2016), 9/9/16,http://onlinelibrary.wiley.com/doi/10.1002/casr.30185/full //

A recent report released by the National Center for Education Statistics found an overall decrease in crimes at educational institutions across the country since 2001. The overall number of crimes reported by postsecondary institutions has dropped by 34 percent, from 41,600 per year in 2001 to 27,600 per year in 2013. The report, titled Indicators of School Crime and Safety: 2015, covers higher education campuses as well as K–12 schools and includes such topics as victimization, teacher injury, bullying and cyberbullying, use of drugs and alcohol, and criminal incidents at postsecondary institutions. The report found significant decreases in instances of bullying, harassment due to sexual orientation, and violent crime at all levels of education. The number of on-campus crimes reported at postsecondary institutions in 2013 was lower than in 2001 for every category except forcible sex offenses and murder.

#### Hate speech is constitutionally protected- the aff restricts

**Moore 16** [Social Studies Research and Practice www.socstrp.org Volume 11 Number 1 112 Spring 2016 You Cannot Say That in American Schools: Attacks on the First Amendment James R. Moore Cleveland State University]

**The first amendment**, a crucial component of American constitutional law, **is under attack from** various **groups** **advocating for censorship in universities** and public schools. The censors assert that restrictive speech codes preventing anyone from engaging in any expression deemed hateful, offensive, defamatory, insulting, or critical of sacred religious or political beliefs and values are necessary in a multicultural society. These speech codes restrict critical comments about race, religion, gender, sexual orientation, physical characteristics, and other traits in the name of tolerance, sensitivity, and respect. Many **hate speech codes are a violation of the first amendment** **and have been struck down** **by** federal and state **courts**. **They persist** in jurisdictions where they have been ruled unconstitutional; **most** universities and **public schools have speech** **codes**. This assault on the first amendment might be a concern to all citizens, especially university professors and social studies educators responsible for teaching students about the democratic ideals enshrined in our constitution. Teachers should resist unconstitutional speech codes and teach their students that the purpose of the first amendment is to protect radical, offensive, critical, and controversial speech. The first amendment in the Bill of Rights, the foundation of individual freedom in the United States, protecting the freedoms of religion, speech, press, assembly, and petition. These basic freedoms, derived from Enlightenment philosophy and codified in the world’s oldest written constitution, have been an essential characteristic of American democracy and law since 1791. This is continuity considering “between 1971 and 1990, 110 of the world’s 162 national constitutions were either written or extensively rewritten” (Haynes, Chaltain, Ferguson, Hudson, & Thomas, 2003, p. 9). The first amendment has been the conduit employed by U.S. citizens to create an increasingly free and just society based on the constitutional ideals of equality before the law, popular sovereignty, limited government, checks and balances, federalism, and individual liberties (Center for Civic Education, 2009). Advocates for the abolition of slavery and the expansion of civil rights were able, after long struggles, to achieve their goals of expanding freedom and social justice by using their natural rights to free expression and religious liberty (Dye, 2011). Since no constitutional liberty or right is absolute, American institutions continuously debate the definitions, limitations, and exceptions to these fundamental rights based on social, political, and technological changes. This task has been exacerbated by increasing cultural diversity and technological changes (the Internet and social media) that expand communication. In addition, efforts by some people to censor language in the name of tolerance and respect for diversity have increased in recent years (Foundation for Individual Rights in Education, 2013, p.4). The first amendment is the world’s oldest written safeguard for freedom of expression—this includes allowing blasphemy and expression that may be radical, offensive, controversial, ignorant, and militantly bigoted—and is the cornerstone of participatory democracy (Haynes et al., 2003). The first amendment is under constant attack from some religious organizations, political action groups, ethnically-based activist groups, and, most alarmingly, from American public universities that severely restrict freedom of expression and public debate (Foundation for Individual Rights in Education, 2013; Haynes, 2013; Hudson, 2011). The Foundation for Individual Rights in Education (2013) found “**62% of universities** (254 out of 409 universities in the survey) **maintain** severely **restrictive** **red-light speech codes** – **policies that** clearly and **substantially prohibit protected speech**” (p. 4). Many Americans do not understand, or do not accept, that the first amendment protects unpopular, offensive, controversial, and radical speech; this includes making hateful statements about race, gender, religion, and any other topic the speaker wishes to address (Haynes et al., 2003; Marshall & Shea, 2011; Pew Forum on Religion and Public Life, 2010). Many hate **speech codes**, thus, often are defined “as hostile or prejudicial attitudes expressed toward another person’s or group’s characteristics, notably sex, race, ethnicity, religion, or sexual orientation” (Dye 2011, p. 508). The hate speech instituted in American universities and Kindergarten-12 schools **are** often, albeit well-intended, **violations of the First Amendment** (Foundation for Individual Rights in Education; Haynes, 2013; *Saxe V. State College Area School District*, 2001).

#### Removing restrictions on free speech allows hate speech – hate speech IS free speech

**Volokh 15** Eugene Volokh,No, There’s No “hate Speech” Exception to the First Amendment, The Washington Post, 5/7/15, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.05cfdd01dea4> //

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. **But** this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s [Tweet](https://twitter.com/ChrisCuomo/status/595934009764487168) that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.)

#### Hate speech normalizes psychological violence which renders educational spaces null and increases likelihood of physical violence

* Makes physical violence more likely—empirically proven
* Causes psychological harms
* Makes educational spaces null and void
* Normalizes oppressive practices
* Easy to reject from a position of privilege

**Heinze 14**: Eric Heinze, professor of law & humanities at Queen Mary university of London. March 31, 2014. Nineteen arguments for hate speech bans—and against them. Free Speech Debate. Free speech scholar Eric Heinze identifies the main arguments for laws restricting hate speech and says none are valid for mature Western democracies. <http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them/>. RW

On all sides of the debate, we can agree that speech is necessary for democracy. Governments ought not to abridge speech willy-nilly. They must show how the speech in question poses a genuine danger. In the case of hate speech, has any such menace been shown? In my book [Hate Speech and Democratic Citizenship](https://global.oup.com/academic/product/hate-speech-and-democratic-citizenship-9780198759027?cc=gb&lang=en&), I reject the classical liberal defences of free speech, let alone newer libertarian ones. I argue that the strongest case for free speech is grounded on specifically democratic principles, which must not be confused with Millian, liberal ones. I cannot reproduce that thesis here, but will briefly respond to some familiar claims raised by the bans’ advocates. 1. The ‘anti-absolutist’ argument: ‘No rights are absolute. Rights must be limited by respect for others, and by the needs of society as a whole. The British Lord Bhikhu Parekh writes, “Although free speech is an important value, it is not the only one. Human dignity, equality, freedom to live without harassment and intimidation, social harmony, mutual respect, and protection of one’s good name and honour are also central to the good life and deserve to be safeguarded. Because these values conflict, either inherently or in particular contexts, they need to be balanced.” There are, moreover, many regulations of speech to which no one objects, punishing, for example, commercial fraud, graffiti, or courtroom perjury. Hate speech bans are no different.’ The ‘not speech’ argument: ‘The crudest hate speech is not really speech at all. It is merely the kind of “inarticulate grunt” that can legitimately be banned because it forms, in the words of US Supreme Court Justice Anthony Kennedy, “no essential part of any exposition of ideas.”’ The ‘Weimar’ (or ‘snowball’) argument: ‘Democracy under the Weimar Republic or the former Yugoslavia show that too much free speech leads to atrocities. Some offensive remarks may, on the surface, appear harmless. But seemingly innocuous offences snowball into more pernicious forms. Once speech reaches a Nazi-like extreme, it becomes too late to avert the dangerous consequences.’ The ‘direct harm’ argument: ‘Hate speech can cause psychological harm, just as hate-motivated violence causes physical harm. Children who are called “nigger”, “Paki”, or “queer” suffer just as much as when they are physically bullied. For adults, verbal abuse can render workplace, educational or other environments unbearable.’ The ‘indirect harm’ argument: ‘The harms of hate speech do not manifest in a conventionally empirical sense. From some phenomenological and socio-linguistic perspectives, hateful expression is “illocutionary”, i.e. not merely denoting hatred but enacting discrimination, and “perlocutionary”, disseminating adverse psychological effects regardless of any materially evident impact. Anthony Cortese describes a “cultural transmission theory”, whereby cultures “pass hate on to each succeeding generation, making intolerance “normal or conventional.” Hate speech germinates intolerance, not through discrete, causally traceable chains of events, but through cumulative effects.’ The ‘hate crime’ argument: ‘The bans are necessary because hate speech is commonly connected to hate-based acts of murder, battery, rape, assault, and property theft or damage.’ The ‘disproportionate impact’ argument: ‘It’s easy for those in privileged positions to oppose hate speech bans. They do not bear the brunt of hatred. But “individual freedom” looks different from the viewpoint of historically vilified groups.’

#### Inclusivity- It causes less discursive participation from minorities which harms ability to reach the truth

**Horne 16**: Solveigh Horne, Minister of children and equality in Norway. “hate speech—a threat to freedom of speech.” March 8, 2016. Huffington Post. <http://www.huffingtonpost.com/solveig-horne/hate-speech--a-threat-to_b_9406596.html>. RW

Hate speech in the public sphere takes place online and offline, and affects young girls and boys, women and men. We also see hate speech attacking vulnerable groups like people with disabilities, LGBT-persons and other minority groups. Social media and the Internet have opened up for many new arenas for exchanging opinions. Freedom of speech is an absolute value in any democracy, both for the public and for the media. At the same time, opinions and debates challenge us as hate speech are spread widely and frequently on new platforms for publishing. Hate speech may cause fear and can be the reason why people withdraw from the public debate. The result being that important voices that should be heard in the public debate are silenced. We all benefit if we foster an environment where everybody is able to express their opinions without experiencing hate speech. In this matter we all have a responsibility. I am especially concerned about women and girls being silenced. Attempts to silence women in the public debate through hate speech, are an attack on women’s human rights. No one should be silenced or subjected to threats when expressing themselves in public. Women are under-represented in the media. In order to get a balanced public debate it is important that many voices are heard. We must encourage women and girls to be equal participants with men. Hate speech prevents women from making their voices heard. I also call upon the media to take responsibility in this matter. In some cases the media may provide a platform for hate speech. At the same time, I would like to stress that a liberal democracy like Norway strongly supports freedom of speech as a fundamental right.

#### Means they can’t engage within the agonistic democracy

### AT: Butler

#### 1. Doesn’t control the internal link to Ks- that violates the prefiat/postfiat distinction, we can still have capability to make decisions in this round that is different from substance, this arg is idiotic

#### 2. No link- People can still have their own decisions- but that doesn’t mean that they get to expres that view

#### 3. Turn- the method doesn’t preserve the capability to argue or reject certain types of reasoning- there needs to be an endpoint to the discussion but we shouldn’t accept views that aren’t critically backed